

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 663

Introduced by Assembly Member Galgiani

February 21, 2007

An act ~~relating to pupils~~ *to amend Section 25503.6 of the Business and Professions Code, relating to alcoholic beverages.*

LEGISLATIVE COUNSEL'S DIGEST

AB 663, as amended, Galgiani. ~~Pupils: parent involvement. Alcoholic beverages: advertising.~~

Existing law generally prohibits a manufacturer of alcoholic beverages and a winegrower from paying, crediting, or compensating a retailer for advertising or paying or giving anything of value for the privilege of placing a sign or advertisement with a retail licensee. It authorizes, as an exception, the holder of a winegrower's license, a beer manufacturer, a distilled spirits manufacturer, or a distilled spirits manufacturer's agent, to purchase advertising space and time from, or on behalf of, an on-sale retail licensee, under certain conditions, if the on-sale retail licensee is the owner, manager, agent of the owner, assignee of the owner's advertising rights, or major tenant of specified facilities in particular counties.

This bill would expand this exception to include an outdoor professional sports facility with a fixed seating capacity of at least 4,200 seats located in San Joaquin County.

This bill would make findings regarding the need for special legislation.

~~Existing law provides that parents and guardians of pupils enrolled in public schools have the right and should have the opportunity to be~~

~~informed by the school concerning, among other things, the academic performance standards, proficiencies, or skills their child is expected to accomplish, and to participate in the education of their children by, among other things, observing the classroom in which their child is enrolled, volunteering their time and resources for the improvement of school facilities and school programs, and examining the curriculum materials of the classes in which their child is enrolled. Existing law requires a school district to take all reasonable steps to ensure that all parents and guardians of pupils who speak a language other than English are properly notified in English and in their home language of these rights and opportunities.~~

~~This bill would state the intent of the Legislature to enact legislation that would encourage schools and school districts to establish parent involvement programs that have proven effective in increasing the involvement of parents who do not speak English.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 **SECTION 1.** *Section 25503.6 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 25503.6. (a) Notwithstanding any other provision of this
- 4 chapter, a beer manufacturer, the holder of a winegrower's license,
- 5 a distilled spirits rectifier, a distilled spirits manufacturer, or
- 6 distilled spirits manufacturer's agent may purchase advertising
- 7 space and time from, or on behalf of, an on-sale retail licensee
- 8 subject to all of the following conditions:
- 9 (1) The on-sale licensee is the owner, manager, agent of the
- 10 owner, assignee of the owner's advertising rights, or the major
- 11 tenant of the owner of any of the following:
- 12 (A) An outdoor stadium or a fully enclosed arena with a fixed
- 13 seating capacity in excess of 10,000 seats located in Sacramento
- 14 County or Alameda County.
- 15 (B) A fully enclosed arena with a fixed seating capacity in
- 16 excess of 18,000 seats located in Orange County or Los Angeles
- 17 County.
- 18 (C) An outdoor stadium or fully enclosed arena with a fixed
- 19 seating capacity in excess of 8,500 seats located in Kern County.

1 (D) An exposition park of not less than 50 acres that includes
2 an outdoor stadium with a fixed seating capacity in excess of 8,000
3 seats and a fully enclosed arena with an attendance capacity in
4 excess of 4,500 people, located in San Bernardino County.

5 (E) An outdoor stadium with a fixed seating capacity in excess
6 of 10,000 seats located in Yolo County.

7 (F) An outdoor stadium and a fully enclosed arena with fixed
8 seating capacities in excess of 10,000 seats located in Fresno
9 County.

10 (G) An athletic and entertainment complex of not less than 50
11 acres that includes within its boundaries an outdoor stadium with
12 a fixed seating capacity of at least 8,000 seats and a second outdoor
13 stadium with a fixed seating capacity of at least 3,500 seats located
14 within Riverside County.

15 (H) An outdoor stadium with a fixed seating capacity in excess
16 of 1,500 seats located in Tulare County.

17 (I) A motorsports entertainment complex of not less than 50
18 acres that includes within its boundaries an outdoor speedway with
19 a fixed seating capacity of at least 50,000 seats, located within San
20 Bernardino County.

21 (J) An exposition park, owned or operated by a bona fide
22 nonprofit organization, of not less than 400 acres with facilities
23 including a grandstand with a seating capacity of at least 8,000
24 people, at least one exhibition hall greater than 100,000 square
25 feet, and at least four exhibition halls, each greater than 30,000
26 square feet, located in the City of Pomona or the City of La Verne
27 in Los Angeles County.

28 (K) An outdoor soccer stadium with a fixed seating capacity of
29 at least 25,000 seats, an outdoor tennis stadium with a fixed
30 capacity of at least 7,000 seats, an outdoor track and field facility
31 with a fixed seating capacity of at least 7,000 seats, and an indoor
32 velodrome with a fixed seating capacity of at least 2,000 seats, all
33 located within a sports and athletic complex built before January
34 1, 2005, within the City of Carson in Los Angeles County.

35 (L) *An outdoor professional sports facility with a fixed seating*
36 *capacity of at least 4,200 located in San Joaquin County.*

37 (2) The outdoor stadium or fully enclosed arena described in
38 paragraph (1) is not owned by a community college district.

39 (3) The advertising space or time is purchased only in connection
40 with the events to be held on the premises of the exposition park,

1 stadium, or arena owned by the on-sale licensee. With respect to
2 an exposition park as described in subparagraph (J) of paragraph
3 (1) that includes at least one hotel, the advertising space or time
4 shall not be displayed on or in any hotel located in the exposition
5 park, or purchased in connection with the operation of any hotel
6 located in the exposition park.

7 (4) The on-sale licensee serves other brands of beer distributed
8 by a competing beer wholesaler in addition to the brand
9 manufactured or marketed by the beer manufacturer, other brands
10 of wine distributed by a competing wine wholesaler in addition to
11 the brand produced by the winegrower, and other brands of distilled
12 spirits distributed by a competing distilled spirits wholesaler in
13 addition to the brand manufactured or marketed by the distilled
14 spirits rectifier, the distilled spirits manufacturer or the distilled
15 spirits manufacturer's agent that purchased the advertising space
16 or time.

17 (b) Any purchase of advertising space or time pursuant to
18 subdivision (a) shall be conducted pursuant to a written contract
19 entered into by the beer manufacturer, the holder of the
20 winegrower's license, the distilled spirits rectifier, the distilled
21 spirits manufacturer, or the distilled spirits manufacturer's agent
22 and the on-sale licensee.

23 (c) Any beer manufacturer or holder of a winegrower's license,
24 any distilled spirits rectifier, any distilled spirits manufacturer, or
25 any distilled spirits manufacturer's agent who, through coercion
26 or other illegal means, induces, directly or indirectly, a holder of
27 a wholesaler's license to fulfill all or part of those contractual
28 obligations entered into pursuant to subdivision (a) or (b) shall be
29 guilty of a misdemeanor and shall be punished by imprisonment
30 in the county jail not exceeding six months, or by a fine in an
31 amount equal to the entire value of the advertising space, time, or
32 costs involved in the contract, whichever is greater, plus ten
33 thousand dollars (\$10,000), or by both imprisonment and fine. The
34 person shall also be subject to license revocation pursuant to
35 Section 24200.

36 (d) Any on-sale retail licensee, as described in subdivision (a),
37 who, directly or indirectly, solicits or coerces a holder of a
38 wholesaler's license to solicit a beer manufacturer, a holder of a
39 winegrower's license, a distilled spirits rectifier, a distilled spirits
40 manufacturer, or a distilled spirits manufacturer's agent to purchase

1 advertising space or time pursuant to subdivision (a) or (b) shall
2 be guilty of a misdemeanor and shall be punished by imprisonment
3 in the county jail not exceeding six months, or by a fine in an
4 amount equal to the entire value of the advertising space or time
5 involved in the contract, whichever is greater, plus ten thousand
6 dollars (\$10,000), or by both imprisonment and fine. The person
7 shall also be subject to license revocation pursuant to Section
8 24200.

9 (e) For the purposes of this section, “beer manufacturer” includes
10 any holder of a beer manufacturer’s license, any holder of an
11 out-of-state beer manufacturer’s certificate, or any holder of a beer
12 and wine importer’s general license.

13 *SEC. 2. The Legislature hereby finds and declares, with respect*
14 *to Section 1 of this act, that a special statute is necessary and that*
15 *a statute of general applicability cannot be enacted within the*
16 *meaning of Section 16 of Article IV of the California Constitution,*
17 *because of unique circumstances and concerns applicable to*
18 *certain facilities located in the County of San Joaquin.*

19 ~~SECTION 1. (a) The Legislature finds and declares as follows:~~

20 ~~(1) Approximately 5,000,000 children in the nation’s public~~
21 ~~schools are considered English learners. Nearly a third of these~~
22 ~~children live in California.~~

23 ~~(2) The English learner population is diverse, speaks many~~
24 ~~languages, and comes from many countries. However, Spanish~~
25 ~~speakers make up the single largest language minority group.~~

26 ~~(3) The large and growing population of children from~~
27 ~~non-English-speaking families poses ever increasing challenges~~
28 ~~to our schools.~~

29 ~~(4) Parent involvement in their children’s education has a huge~~
30 ~~positive impact on the child’s success in school.~~

31 ~~(b) Therefore, it is the intent of the Legislature to enact~~
32 ~~legislation that would encourage schools and school districts to~~
33 ~~establish parent involvement programs that have proven effective~~
34 ~~in increasing the involvement of parents who do not speak English.~~